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Filed by the Board of Professional
Engineers and Land Surveyors on
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS

IN THE MATTER OF THE SUSPENSION OR:
REVOCATION OF THE LICENSE OF :

Administrative Action

HARBHAJAN S. BRAICH, P.E. :
License No.: 24GE02220100 :

COMPLAINT

TO PRACTICE PROFESSIONAL ENGINEER-:
ING IN THE STATE OF NEW JERSEY :

Stuart Rabner, Attorney General of New Jersey
("Complainant"), having an office at the address above, alleges:

STANDING

Complainant's responsibility for enforcing the laws in
the State of New Jersey pursuant to N.J.S.A. 52:17A-4(h), includes
being empowered to initiate administrative disciplinary proceedings
against persons licensed by the State's licensing, professional and
occupational boards, pursuant to N.J.S.A. 45:1-14 et seq.

JURISDICTION AND VENUE

The New Jersey State Board of Professional Engineers and Land Surveyors (the "Board") whose office is located at 124 Halsey Street, P.O. Box 45015, Newark, New Jersey 07101, has responsibility for regulating the practice of professional engineering and land surveying in New Jersey pursuant to N.J.S.A. 45:8-27 et seq., N.J.S.A. 45:4B-1 et seq. and N.J.S.A. 45:1-14 et seq. The Board's responsibility includes disciplining its licensees for the unlicensed practice of architecture.

MATERIAL FACTS

1. Harbhajan S. Braich, P.E. ("Respondent") was licensed by the Board to practice engineering at all pertinent times*.
2. In 2002, Respondent contracted with Michael Hammer ("Homeowner"), to determine and provide plans documenting the structural engineering requirements ("structural engineering plans") for a residence. In the same contract, Respondent agreed to provide the construction drawings for the dwelling, based upon Homeowner's design sketches.
3. Homeowner, who has never been licensed to practice architecture, intended to design the residence himself and to have it constructed as his personal residence, at 306 Arnold Avenue, Ortley Beach, New Jersey.

* Unless otherwise provided, all references to the practice of any profession are to its practice in New Jersey and all references to licensing are to licensing by the State of New Jersey.

4. Respondent has never been licensed to practice architecture, is not a member of Homeowner's immediate family and Respondent did not intend that the dwelling would also be his personal residence.

5. Respondent did not advise Homeowner of the requirements for Homeowner to design the dwelling.

6. In due course, Respondent drew and delivered the structural engineering plans and the construction drawings.

7. The title block on the structural engineering plans did not contain Respondent's professional engineering license number and did not spell out "professional engineer," merely containing the abbreviation "P.E." after Respondent's name.

8. Respondent gave sworn testimony before the Board on March 20, 2003, regarding the facts above.

COUNT I

1. The preceding allegations are repeated.

2. Respondent was not qualified to prepare the construction drawings because he was not a licensed architect or the person who was to reside in the dwelling or a member of the immediate family of such person, and doing so constituted the practice of architecture.

3. Respondent's having prepared the construction drawings constituted: (a) disregarding the safety, health and welfare of the public in the performance of professional duties, in violation of

N.J.A.C. 13:40-3.5(a)2 and, therefore, a violation of N.J.S.A. 45:1-21(e) and (h); and (b) the unlicensed practice of architecture in violation of N.J.S.A. 45:3-10, N.J.A.C. 13:27-3.3(a) and N.J.S.A. 45:4B-8.

COUNT II

1. The preceding allegations are repeated.
2. Respondent did not advise Homeowner of the requirements for Homeowner to design the dwelling.
3. Respondent's failure to have advised Homeowner constituted: (a) failure to explain to the extent reasonably necessary to permit the Homeowner to make informed decisions in violation of N.J.A.C. 13:40-3.5(a)10 and, therefore, a violation of N.J.S.A. 45:1-21(e); and failure to act for a client otherwise than as a faithful agent or trustee in violation of N.J.A.C. 13:40-3.5(a)1 and, therefore, another violation of N.J.S.A. 45:1-21(e) and (h).

COUNT III

1. The preceding allegations are repeated here.
2. Respondent did not include his license number and did not spell out "professional engineer" in the title block of the structural engineering plans.
3. Respondent's failure to have included these data constituted violations of N.J.A.C. 13:40-8.2, 8.3(a)(3) and (4) and, therefore, of N.J.S.A. 45:1-21(h).

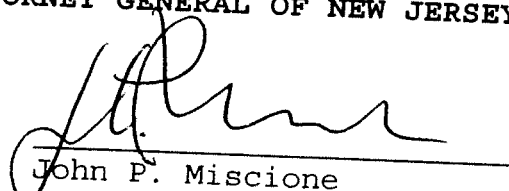
DEMAND FOR RELIEF

WHEREFORE, Complainant respectfully requests that the Board issue an order which:

1. Permanently revokes, suspends or otherwise limits Respondent's license to practice engineering in New Jersey;
2. Assesses penalties against Respondent for each separate unlawful act, pursuant to N.J.S.A. 45:1-22, as well as costs of investigation and attorneys fees in this matter;
3. Directs such further relief as the Board deems just and equitable.

STUART RABNER
ATTORNEY GENERAL OF NEW JERSEY

By:


John P. Miscione
Deputy Attorney General

DATED: 27 MAR 07